

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Max Bernstein	Team: Team # 6	CCRB Case #: 201310083	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 10/25/2013 10:20 PM	Location of Incident: § 87(2)(b)	Precinct: 79	18 Mo. SOL 4/25/2015	EO SOL 4/25/2015	
Date/Time CV Reported Sat, 10/26/2013 6:55 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 10/26/2013 6:55 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Brian Alexander	00570	948599	079 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Pamela Benites	13086	946728	079 PCT
2. POM Raymond Williams	22154	947610	079 PCT
3. POM Brian Christensen	29540	940002	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Brian Alexander	Force: PO Brian Alexander used physical force against § 87(2)(b)	§ 87(2)(b)
B.POM Brian Alexander	Discourtesy: PO Brian Alexander spoke rudely to § 87(2)(b)	§ 87(2)(b)
C.POM Brian Alexander	Force: PO Brian Alexander used physical force against § 87(2)(b)	§ 87(2)(b)

Case Summary

On October 26, 2013, § 87(2)(b) filed this complaint on behalf of herself and her husband with the CCRB via the agency's Call Processing System. On October 25, 2013, at approximately 10:20 p.m., § 87(2)(b) was arrested by officers from the 79th Precinct Conditions team and the following allegations resulted:

- **Allegation A: Force—PO Brian Alexander used physical force against § 87(2)(b)**
§ 87(2)(g)
- **Allegation B: Discourtesy—PO Brian Alexander spoke rudely to § 87(2)(b)**
§ 87(2)(g)
- **Allegation C: Force—PO Brian Alexander used physical force against § 87(2)(b)**
§ 87(2)(g)

§ 87(2)(b) was arrested as a result of this incident and thus, this case was not eligible for mediation.

Results of Investigation

Civilian Statements

Victim: § 87(2)(b)

- § 87(2)(b)

Arrest Photo:

§ 87(2)(b)'s arrest photo revealed no visible injuries (encl. 8).

CCRB Statement:

§ 87(2)(b) was interviewed at the CCRB on November 20, 2013 (encl. 7A-G). His statement is summarized below.

On October 25, 2013, at approximately 10:00 p.m., § 87(2)(b) was standing outside of a barbershop, located on § 87(2)(b) in Brooklyn. § 87(2)(b) lives at § 87(2)(b) and his building is a few buildings away from the barbershop, closer to § 87(2)(b). § 87(2)(b) had a "5 dollar bag" of marijuana tucked in the smaller pocket within the larger right pocket of his jeans. At no point did § 87(2)(b) remove the bag from his pocket.

A little after 10:00 p.m., § 87(2)(b) wife, § 87(2)(b) drove past § 87(2)(b) and pulled up in front of § 87(2)(b). § 87(2)(b) was coming from a party and when § 87(2)(b) saw her, he walked over to the cab and opened the door for her. As § 87(2)(b) met § 87(2)(b) a marked police van came down the street and parked a little bit in front of § 87(2)(b)'s cab, but on the

opposite side of the street. § 87(2)(b) was not smoking anything at this time and had nothing in his hands.

After speaking with § 87(2)(b) for less than three minutes, § 87(2)(b) told § 87(2)(b) that he had to use the bathroom. § 87(2)(b) walked towards his front door at a “bathroom pace,” which he said was slower than a run, but was a brisk walk. Before § 87(2)(b) walked away, he saw three officers, identified through investigation as PO Brian Alexander, PO Pamela Benites, and PO Raymond Williams of the 79th Precinct, exit the marked van. As § 87(2)(b) walked towards his door, he heard an unidentified officer say, “Come here,” or “Get over here.” § 87(2)(b) did not think the officers were speaking to him, so he proceeded into his building, while § 87(2)(b) remained outside.

§ 87(2)(b) opened the front door, which leads to a long hallway, and then a second door. As § 87(2)(b) entered his building, he saw his § 87(2)(b)-old son, § 87(2)(b)-old niece, and § 87(2)(b)-old nephew named § 87(2)(b) identified through investigation as § 87(2)(b) coming through the second door. § 87(2)(b) passed his son, niece, and nephew, and then waited at the second door, which remains locked until the front door is closed completely.

While § 87(2)(b) waited at the second door, he heard the door opening behind him so he turned around and saw PO Alexander, PO Benites, and PO Williams enter the building. § 87(2)(b) did not see or know how the officers gained entry into the building.

§ 87(2)(b)'s head was turned around, but his body was still facing the door. PO Alexander came up to § 87(2)(b) and pushed him against the door, face first. § 87(2)(b) swung his right arm backwards and said, “What’s wrong with you? Get off me. I gotta use the bathroom.” § 87(2)(b) did not indicate if he hit PO Alexander when he swung his arm backwards. PO Alexander then asked § 87(2)(b) why he ran, but § 87(2)(b) said he did not run, he just had to use the bathroom. PO Alexander then pulled § 87(2)(b)'s body slightly away from the door, before pushing him back onto the door. At this time, § 87(2)(b) repeatedly swung his arm back to get PO Alexander off of him.

PO Alexander then handcuffed both of § 87(2)(b)'s wrists. Once § 87(2)(b) was handcuffed, he stopped physically resisting. PO Alexander then put his hand into all four of § 87(2)(b)'s jeans pockets. PO Alexander pulled out the contents of each pocket, before putting them back inside. The first time PO Alexander searched § 87(2)(b)'s pockets, he did not find the marijuana. However, PO Alexander searched § 87(2)(b) a second time, at which point he found the small bag of marijuana in his pocket.

After PO Alexander found the marijuana, he led § 87(2)(b) out of the building. At this time, there were multiple other uniformed officers and marked police vehicles present and the initial van was now parked directly in front of § 87(2)(b). In addition to multiple officers, § 87(2)(b)'s son, niece, and multiple neighbors were outside.

PO Alexander led § 87(2)(b) to the van, and § 87(2)(b) walked willingly. However, once § 87(2)(b) reached the side of the van, he heard his son crying. § 87(2)(b) turned around to look at his son and PO Alexander said, “Turn the fuck around,” and punched § 87(2)(b) in the back approximately three times.

§ 87(2)(b) was facing the van at this time, but the runner that he needed to step on to get inside was high and § 87(2)(b) had a difficult time getting his legs onto it. PO Alexander then kicked and kneed § 87(2)(b) in his legs approximately two times. This motion also caused § 87(2)(b)'s head to hit the top of the van.

After he was kicked, § 87(2)(b) realized that he could not get into the van facing forward, so he turned his body around. Once § 87(2)(b) turned around, PO Alexander punched him in the chest once. § 87(2)(b) then leaned back and fell into the van.

Once § 87(2)(b) was inside of the van, he observed § 87(2)(b) having an argument with PO Alexander. While § 87(2)(b) was still outside of the van, § 87(2)(b) had been yelling at all of the officers to leave § 87(2)(b) alone. She also attempted to put her body in between PO Alexander and § 87(2)(b) but she was unable to do so. At no point did she strike any officer. However, when PO Alexander was arguing with her, § 87(2)(b) saw § 87(2)(b) stumble backwards, in a motion that was consistent with her either being punched or pushed in the chest. However, § 87(2)(b) did not see exactly what happened to § 87(2)(b).

PO Alexander, PO Williams, and PO Benites got into the van with § 87(2)(b) and they left the scene. During transport, PO Alexander told § 87(2)(b) "I could have fucking locked your wife up. You're a fucking asshole."

Complainant/victim: § 87(2)(b)

- § 87(2)(b)

Telephone Statement:

On December 20, 2013, § 87(2)(b) provided an unverified telephone statement (encl. 9A-B). § 87(2)(b)

On October 25, 2013, at approximately 10:18 p.m., § 87(2)(b) exited the cab and § 87(2)(b) told her that he had to use the bathroom. § 87(2)(b) and § 87(2)(b) proceeded towards the entrance of § 87(2)(b) which was about 10 feet away from the cab. § 87(2)(b) heard a voice say, "Stop," and when she turned around to look, § 87(2)(b) saw a marked police van behind her. However, § 87(2)(b) did not think the officer was speaking to her or § 87(2)(b) as they had not done anything, so she proceeded to her front door.

§ 87(2)(b) opened the front door, however, before he went inside of the building, PO Alexander and PO Benites came rushing at § 87(2)(b) and § 87(2)(b) who were standing side by side. PO Alexander then pushed § 87(2)(b) into the building.

PO Alexander pushed § 87(2)(b) face-first against the second door inside of § 87(2)(b). Once PO Alexander had § 87(2)(b) leaned up against the wall, he grabbed the back of § 87(2)(b)'s head and slammed it against the glass door. PO Alexander then handcuffed § 87(2)(b). After § 87(2)(b) was handcuffed, PO Alexander searched all of his jeans pockets. § 87(2)(b) had a "clipped" black and mild cigar which PO Alexander threw on the ground, but other than that, § 87(2)(b) did not see any items that PO Alexander found in § 87(2)(b)'s pockets.

A crowd of about twenty people had gathered outside at this point and people were recording the incident, which appeared to upset PO Alexander once he led § 87(2)(b) outside. As PO Alexander walked § 87(2)(b) to the van, he punched § 87(2)(b) in the back approximately five

times, § 87(2)(b) yelled at PO Alexander to please stop. § 87(2)(b) was behind PO Alexander, but PO Alexander was facing away from her. § 87(2)(b) had her hands raised above her head while asking PO Alexander to stop. Suddenly, PO Alexander turned around and punched § 87(2)(b) in the chest once.

PO Alexander then pushed § 87(2)(b) face first into the van. PO Alexander ran around to the other side of the van and got into the row of seats in front of § 87(2)(b). PO Alexander screamed in § 87(2)(b)'s face and said that he was going to "fuck § 87(2)(b) up," and then punched § 87(2)(b) in the chest once. The officers then pulled away.

Attempts to Contact Civilians

On November 1, 2013, § 87(2)(b) explained that she was unable to take time off of work and could not appear at the CCRB. It was then agreed upon that § 87(2)(b) would provide a statement over the telephone and then send the CCRB a notarized verification form. On December 20, 2013, § 87(2)(b) provided a telephone statement. And it was explained that she must send in the verification form as soon as possible, which she agreed to do. On December 24, 2013, the verification form was sent to § 87(2)(b). On January 17, 2014, a message was left for § 87(2)(b) requesting a call back. On January 21, 2014, § 87(2)(b) contacted the CCRB and stated that she sent in the form. However, to date, the form has not been received and on February 14, 2014, a message was left for § 87(2)(b) explaining that the CCRB never received the form and if she did not send it in immediately, the case would proceed without a sworn statement. To date, the CCRB has not received a signed verification form from § 87(2)(b).

On February 24, 2014, § 87(2)(b) scheduled to appear at the CCRB to provide a sworn statement on March 4, 2014. On March 4, 2014, after the time of his scheduled appointment, § 87(2)(b) was contacted by telephone and he said he would not be coming in and was unable to reschedule at that time, but would call back when he knew when he could come in. On April 29, 2014, and May 23, 2014, voicemail messages were left for § 87(2)(b) requesting a call back. Additionally, on April 4, 2014, a please call letter was sent to § 87(2)(b). Since his missed appointment, § 87(2)(b) has not contacted the CCRB and the letter sent to him has not been returned to the CCRB stamped, "return to sender," by the United States Postal Service (USPS).

NYPD Statements:

Subject Officer: PO BRIAN ALEXANDER

- *PO Alexander was § 87(2)(b)*
- *PO Alexander worked from 5:30 p.m. on October 25, 2013, until 4:05 a.m., on October 26, 2013. PO Alexander was assigned to Conditions with PO Raymond Williams and PO Pamela Benites, was dressed in uniform, and worked out of a marked van, number 8806.*

Memo Book (encl. 16A-C):

At 10:25 p.m., PO Alexander noted one under, § 87(2)(b) inside of § 87(2)(b) for § 87(2)(b). The sergeant was notified. At 10:28 p.m., PO Alexander arrived at the 79th Precinct stationhouse. PO Alexander then noted that he observed § 87(2)(b) in possession of a quantity of marijuana in public view, right hand to right pants pocket. Upon stop, § 87(2)(b) attempted to flee into the building and did resist arrest by flailing his arms, preventing officers from handcuffing him.

Arrest Report and Supporting Depositions:

PO Alexander prepared an arrest report (encl. 17A-C) for § 87(2)(b) regarding this incident. The report listed that § 87(2)(b) was observed in possession of a quantity of marijuana in public view. While attempting to place him under arrest, he flailed his arms at officers preventing them from handcuffing him. § 87(2)(b) was found to have an active warrant. He was charged with § 87(2)(b). The report listed that no force was used against § 87(2)(b).

The supporting deposition (encl. 18A-D) listed that PO Alexander observed § 87(2)(b) in a hallway with one zip lock bag of marijuana in his hand. The bag was eventually recovered from his pocket.

CCRB Statement:

On July 10, 2014, PO Alexander was interviewed at the CCRB (encl. 20A-C). His statement was summarized below.

On October 25, 2013, at approximately 10:25 p.m., PO Alexander was inside of a police vehicle driving down a one-way street on § 87(2)(b) in Brooklyn. PO Alexander was not driving, but he did not recall his positioning in the vehicle. As the vehicle drove past § 87(2)(b), PO Alexander observed a male, identified as § 87(2)(b) moving from a taxi to the curb. § 87(2)(b) was about ten feet away when PO Alexander observed him. PO Alexander then saw a clear plastic bag in § 87(2)(b)'s right hand, about two inches by two inches, containing marijuana. § 87(2)(b) put the bag into his right pants pocket. A female, who was later determined to be § 87(2)(b)'s wife, § 87(2)(b) and a one or two year old baby were also outside of the taxi with § 87(2)(b). PO Alexander added that § 87(2)(b) had a can in his hand, but PO Alexander did not recall if the can was that of an alcoholic beverage.

PO Alexander exited the vehicle and said something to § 87(2)(b) to grab his attention, although he did not recall the exact statement. § 87(2)(b) looked at PO Alexander and then ran towards the front door of § 87(2)(b) and threw the can to the ground. § 87(2)(b) tried to close the door behind him, but PO Alexander reached the door before § 87(2)(b) was able to close it. PO Alexander pushed the door open and § 87(2)(b) ran through a hallway inside of the building to another door. Before § 87(2)(b) could reach the second door, PO Alexander grabbed him. PO Alexander grabbed § 87(2)(b)'s arms, but § 87(2)(b) tried to pull his arms in front of his body. § 87(2)(b) had his back to PO Alexander.

PO Benites also came into § 87(2)(b) and assisted PO Alexander in handcuffing § 87(2)(b). In less than one minute, PO Alexander and PO Benites were able to pull § 87(2)(b)'s hands behind his back and handcuff him. PO Alexander explained that the door was right in front of § 87(2)(b) during the struggle, but PO Alexander did not recall if § 87(2)(b)'s body was up against the door. At no point was § 87(2)(b)'s face or head up against the door and PO Alexander did not push § 87(2)(b) against the door intentionally.

After § 87(2)(b) was handcuffed, PO Alexander removed the bag of marijuana from § 87(2)(b)'s right pants pocket. § 87(2)(b) was not searched prior to being placed in handcuffs.

§ 87(2)(b) came into § 87(2)(b) and started yelling at PO Alexander and § 87(2)(b). PO Alexander did not recall what § 87(2)(b) was saying specifically, but PO Alexander asked her to back up, which she did. PO Alexander did not make any physical contact with § 87(2)(b).

§ 87(2)(b) and her toddler were the only other civilians inside of § 87(2)(b) when PO Alexander was inside.

PO Alexander then led § 87(2)(b) outside to the police van, which was right outside the building. PO Alexander did not recall if any officer assisted him in bringing § 87(2)(b) to the van. § 87(2)(b) was resisted walking by moving his shoulders back and forth and yelling at PO Alexander, asking why he would arrest him in front of his son. PO Alexander maintained a firm grip on § 87(2)(b) and slowly kept walking towards the van.

PO Alexander led § 87(2)(b) to the side of the van, where prisoners go in. § 87(2)(b) repeatedly tried to turn around and PO Alexander told him get in the van repeatedly. § 87(2)(b) was not aggressively resisting and PO Alexander simply held onto his shoulders to keep him facing forward. PO Alexander never said, "Turn the fuck around." After about eight seconds, § 87(2)(b) got into the van on his own. At no point did PO Alexander push § 87(2)(b) into the van. § 87(2)(b)'s head did not make contact with the van and PO Alexander did not push § 87(2)(b)'s head into the doorframe or side of the van. PO Alexander did not punch, kick, or knee § 87(2)(b) at any point.

At no point did § 87(2)(b) physically interfere with PO Alexander. § 87(2)(b) was standing behind PO Alexander and PO Alexander had no direct interaction with her after telling her to step back while inside of § 87(2)(b). PO Alexander did not think any other civilians gathered and PO Alexander did not conduct any crowd control. PO Alexander explained that there was no investigation into the can that § 87(2)(b) had thrown at the onset of the incident, because § 87(2)(b) and § 87(2)(b)'s behavior led the officers to want to leave the scene as quickly as possible.

During transport, PO Alexander denied stating, "I could have fucking locked up your wife. You're a fucking asshole."

Witness Officer: PO PAMELA BENITES

- *PO Benites was § 87(2)(b)*
- *PO Benites worked from 5:30 p.m., on October 25, 2013, until 04:05 a.m., on October 26, 2013. She was assigned to Conditions with PO Brian Alexander and PO Raymond Williams. She was dressed in uniform and assigned to a marked van, number 8806.*

Memo Book (encl. 12A-C):

At 10:15 p.m., PO Benites observed § 87(2)(b) outside of § 87(2)(b) with an open beer bottle in his left hand. Upon being stopped, § 87(2)(b) attempted to flee inside of the building. He also resisted arrest by flailing his arms and preventing officers from handcuff him. At 10:22 p.m., § 87(2)(b) was handcuffed.

CCRB Statement:

On June 26, 2014, PO Benites was interviewed at the CCRB (encl. 13A-C). § 87(2)(g)

On October 25, 2013, at approximately 10:15 p.m., PO Benites was in the passenger's seat of a marked van, traveling on § 87(2)(b). PO Benites saw a male, identified as § 87(2)(b) on the same side of the street as her, with a white Styrofoam cup and a bottle of beer in his hand.

PO Benites and PO Alexander exited the marked vehicle and PO Williams parked. Once outside of the vehicle, either PO Benites or PO Alexander made a statement to § 87(2)(b) and § 87(2)(b) ran into § 87(2)(b) which is the building he was standing in front of. PO Benites did not recall what the exact statement was that was said to § 87(2)(b) before he took off running. PO Benites added that upon initial approach, she smelled an odor of marijuana, but she did not see any marijuana in § 87(2)(b)'s possession, so she was not sure if the smell was emanating from him.

PO Benites and PO Alexander followed § 87(2)(b) into § 87(2)(b). The door was still open when PO Benites and PO Alexander reached it. PO Benites did not recall if she or PO Alexander entered first. Once inside, PO Benites saw § 87(2)(b) run about fifteen to twenty feet down a long hallway with apartments lining the sides. § 87(2)(b) ran to an apartment door and was fiddling with his keys which were in his hand. At this time, PO Benites also observed a brown, rolled, marijuana cigarette in his hand, which is the first time PO Benites observed the marijuana that § 87(2)(b) was in possession of. PO Benites added that by this time, § 87(2)(b) no longer had alcohol in his hand and she was not sure where the cup went and assumed that he threw it when he fled, but she did not specifically see § 87(2)(b) throw anything.

Once inside, PO Benites and PO Alexander approached § 87(2)(b) and told him to put his hands behind his back. § 87(2)(b) flailed his arms and cursed at the officers. § 87(2)(b) had his back to the officers and either PO Alexander or PO Benites pushed § 87(2)(b) into the wall right in front of him. § 87(2)(b)'s chest hit the wall. At no point did PO Alexander hit § 87(2)(b)'s head against the wall. PO Benites and PO Alexander both pulled on § 87(2)(b)'s hands and rear handcuffed him in under a minute.

There were no additional individuals inside of § 87(2)(b) and PO Benites and PO Alexander led § 87(2)(b) outside. § 87(2)(b) walked very slowly and continued to curse at the officers, but the officers led him out, each holding onto one of § 87(2)(b)'s arms.

At some point inside of § 87(2)(b) the marijuana was recovered from § 87(2)(b) however, PO Benites did not recall at which point and did not recall where it was recovered from.

Once outside, PO Benites observed a female, identified through investigation as § 87(2)(b) and a toddler. § 87(2)(b) continued to curse yelling at officers for “doing this in front of my son.” PO Benites had not seen § 87(2)(b)'s son inside of the building and did not see any additional civilians gathered on the street. § 87(2)(b) was yelling and screaming at the officers and the toddler was crying.

Once at the van, § 87(2)(b) put his legs up against the runner so that he would not go inside. PO Benites repeatedly told him to get in and then told him not to cause a scene in front of his son. After about a minute, § 87(2)(b) went into the van voluntarily. He was not pushed in. At no point did PO Alexander punch or knee § 87(2)(b) and at no point did PO Alexander hit § 87(2)(b)'s head into the van. At no point did PO Alexander say “turn the fuck around.”

As the officers walked § 87(2)(b) to the van, § 87(2)(b) stood in the way, but PO Benites told her to get out of the way, and after a couple of requests, she complied. PO Benites denied having any physical contact with § 87(2)(b) and did not see PO Alexander have any physical contact with § 87(2)(b) or punch her.

Once § 87(2)(b) was in the van, the officers left the scene. § 87(2)(b) was in the last row, PO Alexander was in the front rear row, PO Benites was in the front passenger's seat, and PO Williams drove. PO Benites did not hear § 87(2)(b) and PO Alexander have an argument during transport. At no point did PO Alexander say, "I could have fucking arrested your wife. You're a fucking asshole."

Witness Officer: PO RAYMOND WILLIAMS

- PO Williams was § 87(2)(b)
- PO Williams worked from 5:30 p.m. on October 25, 2013, until 2:05 a.m., on October 26, 2013. He was assigned to conditions with PO Brian Alexander and PO Pamela Benites, was dressed in uniform, and worked out of a marked van, number 8806.

Memo Book (encl. 10A-B):

At 10:25 p.m., PO Williams noted one male stopped, § 87(2)(b) in front of § 87(2)(b) in Brooklyn. § 87(2)(b) as observed with an open container of alcohol in public. He was also observed with a bag or marijuana in hand when he fled into a building. § 87(2)(b) resisted arrest by flailing his arms and preventing officers from handcuffing him.

CCRB Statement:

On June 26, 2014, PO Williams was interviewed at the CCRB (encl. 11A-C). § 87(2)(g)

On October 25, 2013, at approximately 10:25 p.m., PO Williams observed § 87(2)(b) on the sidewalk with a foam cup in his hand, which he believed may have contained alcohol. Other than the cup itself, there was nothing that led PO Williams to believe there was alcohol in the cup. PO Williams made the observation while in motion westbound on § 87(2)(b)

PO Alexander got out of the vehicle first, followed by PO Benites. PO Williams then parked the vehicle and got out of the car. As PO Williams walked towards the back of the police van, he saw PO Alexander and PO Benites running into the door of § 87(2)(b) and the door shut behind them. PO Williams went to the front door of § 87(2)(b) but the door was locked.

Less than a minute after PO Alexander and PO Benites entered the building, they came outside with § 87(2)(b) in handcuffs. PO Alexander and PO Benites each had one of § 87(2)(b)'s arms by the elbows and escorted him outside. § 87(2)(b) yelled and screamed curses, but PO Williams did not recall any specific statements. § 87(2)(b) also twisted his body around and tried to move his arms, but the officers held onto § 87(2)(b)

When PO Williams noticed § 87(2)(b)'s resistance, he grabbed the arm that PO Benites had been holding and PO Benites let go. PO Williams and PO Alexander led § 87(2)(b) to the police van.

PO Williams and PO Alexander led § 87(2)(b) to the side of the van and told § 87(2)(b) to get inside. § 87(2)(b) put his feet up against the runner of the van and refused to get in. PO Williams and PO Alexander gave § 87(2)(b) numerous commands to get inside and held onto § 87(2)(b) throughout, as he was still twisting his body. At no point did PO Alexander punch § 87(2)(b) and

§ 87(2)(b) was not thrown into the van. After less than two minutes of instructing § 87(2)(b) to go inside, § 87(2)(b) went into the van on his own.

In the span that § 87(2)(b) was resisting getting into the van, § 87(2)(b) approached and pulled on PO Williams' uniform and arms in order to prevent § 87(2)(b) from going into the van. Additionally, § 87(2)(b) stood between § 87(2)(b) and the van, pulled on PO Alexander, and yelled profanity. PO Williams gave § 87(2)(b) numerous commands to get back, but did not make physical contact with her. PO Williams did not see any officer make physical contact with § 87(2)(b). Once § 87(2)(b) got into the van, § 87(2)(b) stopped interfering. PO Williams did not recall if any other individual or individuals gathered around. PO Williams did not conduct any crowd control.

At no point at the scene did PO Williams observe PO Alexander punch or knee § 87(2)(b). PO Alexander did not say "turn the fuck around," to § 87(2)(b). PO Williams did not observe any officer use force against § 87(2)(b).

At no point during the transport did PO Alexander say, "I could have fucking locked up your wife. You're a fucking asshole." At no point did PO Alexander use profanity.

MOS Statements Not Included:

On June 27, 2014, PO Christensen was interviewed at the CCRB (encl. 15A-B) because he was also assigned to conditions. However, it was determined he was not present for this incident and thus his statement is not included in this report.

Arrest for Incident and Disposition

- On April 29, 2014, § 87(2)(b)'s criminal court case was adjourned in contemplation of dismissal (encl. 25A-D).

Status of Civil Proceedings

- Neither § 87(2)(b) nor § 87(2)(b) has filed a notice of claim with the City of New York as of June 26, 2014, with regard to the incident (encl. 27).

Civilian Criminal History

- § 87(2)(b)
§ 87(2)(b)
■ § 87(2)(b)
■ § 87(2)(b)
■ § 87(2)(b)
■ § 87(2)(b)
■ § 87(2)(b)
■ § 87(2)(b)

Civilians CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 3).
- § 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Subject Officer CCRB History

- PO Alexander has been a member of the service for four years and there are no substantiated CCRB allegations against him (encl. 1).

Conclusion

Identification of Subject Officer

PO Alexander acknowledged being the officer who ran after § 87(2)(b) and handcuffed him inside of § 87(2)(b) § 87(2)(b) and § 87(2)(b) stated that that the male officer who handcuffed § 87(2)(b) was the subject officer in this complaint. Thus, Allegations A, B, and C are pleaded against PO Alexander.

Allegations Not Pleased:

§ 87(2)(b) stated that he was not smoking or drinking prior to being stopped, however, PO Alexander stated that he observed § 87(2)(b) with marijuana in his hand and PO Alexander arrested § 87(2)(b) immediately upon contact. Thus, this is not a disputed stop, but instead an arrest dispute. Consequently, no stop allegation is pleaded. Additionally, § 87(2)(b) alleged he was only searched after he was handcuffed, which was incident to his arrest. Therefore, no search allegation is pleaded.

Investigative Findings and Recommendations

Allegation A: Force—PO Brian Alexander used physical force against § 87(2)(b)

Allegation B: Discourtesy—PO Brian Alexander spoke rudely to § 87(2)(b)

§ 87(2)(b) alleged that PO Alexander pushed him against a door inside of § 87(2)(b) before pulling his body away from the wall and pushing it against it again. Additionally, § 87(2)(b) alleged that once he was led to the police van, PO Alexander punched him in the back three times. PO Alexander also allegedly kicked and kneed § 87(2)(b)'s legs, which caused § 87(2)(b)'s head to hit the top of the van. § 87(2)(b) turned around while outside of the van, and was allegedly punched in the chest once by PO Alexander. § 87(2)(b) added that PO Alexander stated, "Turn the fuck around," outside of the van and stated, "I could have fucking locked your wife up. You're a fucking asshole," while in the van.

§ 87(2)(b) stated that § 87(2)(b)'s head was slammed against the door inside of § 87(2)(b) by PO Alexander. Additionally, § 87(2)(b) stated that PO Alexander punched § 87(2)(b) in the back approximately five times as he led § 87(2)(b) to the van. § 87(2)(b) added that once inside of the van, PO Alexander punched § 87(2)(b) in the chest once. § 87(2)(b) heard PO Alexander say that he was going to "fuck § 87(2)(b) up," when PO Alexander and § 87(2)(b) were in the van.

PO Alexander stated that § 87(2)(b)'s body may have been pushed up against the second door inside of § 87(2)(b) during the struggle, but PO Alexander denied intentionally pushing § 87(2)(b)'s face or head into the door. PO Alexander also denied punching § 87(2)(b) at any point during the incident. PO Alexander stated that he held onto § 87(2)(b)'s arms, but § 87(2)(b) eventually complied and got into the van himself. PO Benites and PO Williams corroborated PO Alexander's testimony and did not observe PO Alexander punch § 87(2)(b). PO Benites stated that after she told § 87(2)(b) to calm down in front of his young son, § 87(2)(b) complied, and thus no additional force was used.

PO Alexander also denied cursing at any point during the incident and PO Benites and PO Williams did not hear PO Alexander curse at any point.

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Allegation C: Force—PO Brian Alexander used physical force against § 87(2)(b)

As stated in the attempts to contact civilians section, § 87(2)(b) failed to provide a signed verification form following her telephone statement. § 87(2)(g)

[Redacted]
[Redacted]
[Redacted]
[Redacted]

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date